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**FILED**

MAR - 9 2006

RICHARD J. HECKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

FEB 24 2006

RICHARD J. HECKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE

UNITED STATES OF AMERICA ,

Plaintiff,

vs.

DAVID LEON GARCIA ,

Defendant


Case No.: CR 05-00342-RMW

STIPULATION AND ORDER  
 RESCHEDULING STATUS HEARING AND  
 EXCLUDING TIME

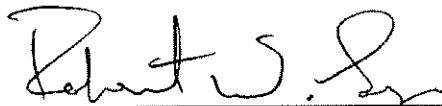
IT IS HEREBY STIPULATED by the undersigned that the status hearing in this case, currently scheduled for February 27, 2006 at 9:00 a.m. be vacated and rescheduled for Monday, March 13, 2006 at 9:00 a.m. The parties further stipulate that the court may exclude the period of time within which the trial must commence for the reasons set forth in the proposed order below.

It is so stipulated.

Dated: February 24, 2006

  
 JOHN N. GLANG  
 Assistant U.S. Attorney

1 Dated: February 24, 2006

  
ROBERT W. LYONS  
Attorney for David Leon Garcia


6 **ORDER**

7 Based upon the stipulation of the parties, it is hereby ordered that the status hearing in  
8 this case, previously scheduled for February 27, 2006, at 9:00 a.m., be vacated and rescheduled  
9 for Monday, March 13, 2006 at 9:00 a.m.

10 Pursuant to Title 18, United States Code, Section 3161 (h), the court excludes the period  
11 of time from February 27, 2006 through and including March 13, 2006 from the computation of  
12 the period of time within which the trial must commence. The court FINDS that the ends of  
13 justice served by the delay outweigh the best interest of the public and the defendant in a speedy  
14 trial. The court bases this finding on a need to afford counsel for the defendant additional time to  
15 review the discovery provided by the government and to engage in settlement discussions with  
16 the government and as time necessary for effective preparation, and to ensure continuity of  
17 counsel due to counsel for defendant's recent return from Hawaii on February 20, 2006 and his  
18 conflicting calendar on an appearance Monday, February 27, 2006 in the United States District  
19 Court, Northern District of California, San Jose Division case (U.S.A. v. Juan Cerna-Perez)  
20 before Ronald M. Whyte, United States District Judge, within the meaning of 18 U.S.C. Section  
21 3161 (h)(8)(B)(iv).

22 It is so ordered:

23 Dated: 3/2/06

  
RONALD M. WHYTE  
United States District Judge